

NOT TO BE PUBLISHED

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Butte)

THE PEOPLE,

Plaintiff and Respondent,

v.

BRANDON MICHAEL GENTRY,

Defendant and Appellant.

C095339

(Super. Ct. Nos. 19CF05900
& 19CF07403)

Appointed counsel for defendant Brandon Michael Gentry asks this court to review the record to determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Finding no arguable error that would result in a disposition more favorable to defendant, we will affirm the judgment.

BACKGROUND

On September 12, 2019, defendant was stopped by a police officer for failing to stop at a stop sign. After learning defendant was on probation, as well as a documented gang member, the officer searched defendant's car. The officer found a loaded handgun

in between the driver's seat and center console and a pill bottle containing ammunition. Defendant was arrested and charged with unlawful firearm activity and possession of ammunition in Butte County Superior Court case No. 19CF05900 (case No. 900). On October 2, 2019, defendant pleaded no contest to both charges; he was released on his own recognizance.

On November 13, 2019, while out on his own recognizance, defendant was again stopped for a traffic violation. The officer conducted a patdown search of defendant and found a fixed-blade knife, methamphetamine, and drug paraphernalia. Defendant was arrested and charged in Butte County Superior Court case No. 19CF07403 with a single felony, carrying a dirk or dagger, and two drug-related misdemeanors. The People also alleged defendant committed the felony offense while released on his own recognizance in case No. 900.

On February 5, 2020, following an unsuccessful *Marsden* motion,¹ defendant pleaded no contest to possessing a dirk or dagger and admitted he committed the offense while released on his own recognizance in case No. 900. Resolving both cases, the trial court placed defendant on three years of formal probation and ordered him to serve 280 days in county jail.

Defendant violated his probation twice and was reinstated twice before December 8, 2021, when defendant again violated probation and was sentenced to an aggregate term of five years four months in state prison.

Defendant timely appealed but did not obtain a certificate of probable cause.

DISCUSSION

Appointed counsel filed an opening brief setting forth the facts of the case and asking this court to review the record and determine whether there are any arguable

¹ *People v. Marsden* (1970) 2 Cal.3d 118.

issues on appeal. (*People v. Wende, supra*, 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days from the date the opening brief was filed, but to date, has not done so. Our review of the record pursuant to *Wende* disclosed no arguable errors in defendant's favor.

DISPOSITION

The judgment is affirmed.

/s/
HOCH, Acting P. J.

We concur:

/s/
RENNER, J.

/s/
EARL, J.